

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Josiah English, III,

Plaintiff,

v.

Alexander Cost, et al.,

Defendants.

No. CV-19-04746-PHX-GMS-JZB

**ORDER**

Plaintiff, proceeding pro se, having filed a complaint pursuant to 42 U.S.C. § 1983, and Defendant(s) having answered, the Court issues this Scheduling Order.

**IT IS ORDERED** that the parties must comply with the following deadlines and discovery orders:

1. Deadline for Joining Parties and Amending Pleadings

Motions to join parties or for leave to amend pleadings shall be filed by **December 1, 2023**.

2. Depositions

Defendants may take Plaintiff's deposition no later than **January 26, 2024**. The Court grants Defendants leave to depose Plaintiff pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure. The deposition may be conducted telephonically at Defendants' option.

Due to logistical issues, self-represented incarcerated parties may not take

1 depositions without first obtaining the Court's permission, which will only be granted upon  
2 a showing of exceptional circumstances.

3 3. Written Discovery

4 a. All interrogatories, requests for production of documents, and  
5 requests for admissions shall be served no later than **February 29, 2024**. Responses to  
6 discovery must be served within the time provided by the Federal Rules of Civil Procedure  
7 unless the parties stipulate otherwise in writing.

8 b. Each party is limited to 25 interrogatories, including subparts, from  
9 each party to another party. Each party is limited to 15 requests for production, including  
10 subparts, from each party to another party. Each party is limited to 10 requests for  
11 admission, including subparts, from each party to another party.

12 4. Discovery Disputes

13 a. The parties shall not file motions concerning a discovery dispute  
14 without first seeking to resolve the matter through personal or telephonic consultation and  
15 sincere effort as required by Rule 37(a) of the Federal Rules of Civil Procedure and Rule  
16 7.2(j) of the Local Rules of Civil Procedure. The moving party's motion must include a  
17 statement certifying that, after in-person or telephonic consultation, and sincere efforts to  
18 do so, the parties have been unable to resolve the discovery dispute. LRCiv 7.2(j).

19 b. All motions regarding discovery must be filed no later than **March**  
20 **22, 2024**.

21 5. Deadline for Filing Dispositive Motions

22 a. Dispositive motions shall be filed no later than **May 3, 2024**. Such  
23 motions must fully comply with the Federal Rules of Civil Procedure and the Local Rules  
24 of Civil Procedure.

25 b. If Defendants file a motion for summary judgment under Rule 56 of  
26 the Federal Rules of Civil Procedure based on Plaintiff's failure to exhaust prison  
27 administrative remedies as required by 42 U.S.C. § 1997e(a) and the Court denies that  
28 motion, Defendants may file a second motion for summary judgment without requesting

1 permission from the Court. Otherwise, no party may file more than one motion for  
2 summary judgment under Rule 56 unless permission is first obtained from the Court.

3 c. Failure to respond to a motion within the time periods provided in  
4 LRCiv 7.2 or in an Order issued by the Court may be deemed consent to the denial or  
5 granting of the motion and the Court may dispose of the motion summarily pursuant to  
6 LRCiv 7.2(i).

7 6. Notice of Readiness for Deadline for Proposed Pretrial Order

8 Within 10 days of the Court ruling on the dispositive motions, or if no motions are  
9 filed, within 10 days after the expiration of the dispositive motion deadline, Defendant shall  
10 notify the Court that the parties are ready for the Court to set a deadline for them to file a  
11 joint proposed joint pretrial order. The assigned District Judge will then issue an  
12 appropriate order.

13 7. The Deadlines Are Firm

14 The parties are advised that the Court will enforce the deadlines set forth in this  
15 Order; the parties should plan their litigation activities accordingly.

16 Dated this 21st day of September, 2023.

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19 Honorable John Z. Boyle  
20 United States Magistrate Judge  
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